

Questions & Answers
Gaurke Tire and Auto
54411-9374-09
03-37-099610

A sample of the concrete floor was found to be contaminated yet only the foundation wall is required to be removed not the floor. Will this be an issue at closure, i.e., a source is being left in place?

The supplemental site investigation revealed that free phase product remains in contact with the building foundation. It is anticipated that the removal of the soil that contains free product and the section of foundation that has been in contact with the free product will remove the majority of the odor problem. It is unknown how long the system will have to remain in place to ensure that a petroleum odor no longer exists.

The bid spec also calls for the installation of a radon mitigation system in conjunction with a groundwater sump that will be installed just below the foundation concrete contamination. The groundwater sump will control the migration of dissolved phase contamination from entering the house during periods of high groundwater flow; the radon mitigation system will create a negative pressure on the foundation controlling the migration of petroleum odors.

As reiterated in the Pre-Bid meeting notes, Commerce and DNR are trying to remediate the site to protect human health and the environment but are also trying to keep ineligible costs to a minimum. This bid spec was written for that purpose.

Please Note: The minimal remedial requirements, are just that, minimal requirements. Consultants should feel free to devise a remedial action plan that they feel will remediate a site to the best extent possible. If in reading the minimal requirements a consultant feels that there is another alternative option that will remediate the site with the least amount of cost burdened to the RP, Commerce and DNR recommends that the option should be submitted. This request for alternative options is also stated in the bid spec.

NOTES AND COMMENTS RESULTING FROM THE PRE-BID MEETING

GAURKE TIRE AND AUTO

MEETING HELD AT THE SITE ON AUGUST 8, 2002

- **ALTERNATIVE BID IDEAS:** THE IDEA OF BIDDING A RAP WAS RAISED. A BID SPEC WOULD BE WRITTEN TO HAVE CONSULTANTS BID A COST TO COMPLETE A RAP FOR THE SITE, GIVEN THE INFORMATION AND SITE VISITS. THE WINNING BIDDER WOULD THEN SUBMIT THE RAP TO COMMERCE AND DNR AND IN TURN, COMMERCE AND DNR WOULD BID THAT PREPARED RAP.

IMMEDIATE CONSENSUS TO THIS IDEA WAS UNFAVORABLE. CONSULTANTS FELT THAT TOO MUCH TIME AND EFFORT WOULD BE WASTED PROVIDING A RAP AND NOT BE GUARANTEED THE WORK. ALSO, CONSULTANTS ALSO FELT A LIABILITY ISSUE IF THE RAP THAT WAS PROVIDED DID NOT REMEDIATE THE SITE TO AN ACCEPTABLE LEVEL.

- **NEW INFORMATION:** IN CONVERSATIONS WITH THE CONSULTANT THAT COMPLETED THE SITE INVESTIGATION IT WAS LEARNED THAT DURING THE INSTALLATION OF THE FRENCH DRAIN SYSTEM THAT A CULVERT WAS DISCOVERED ALONG THE SOUTHEASTERN CORNER OF THE HOUSE. UPON REMOVAL OF THIS CULVERT FREE PRODUCT WAS OBSERVED. THE FREE PRODUCT WAS REMOVED FROM THE EXCAVATION VIA PUMPING. THIS INFORMATION WAS NOT AVAILABLE IN ANY REPORTS RECEIVED BY COMMERCE OR DNR.
- **QUESTION:** THERE IS OBVIOUSLY AN ELIGIBILITY ISSUE IN REGARDS TO THE REMOVAL AND REPLACEMENT OF THE FOUNDATION WALL, WHICH IS PART OF THE MINIMAL REMEDIAL REQUIREMENTS. WHAT HAPPENS IF THAT AFTER THE BIDDING PROCESS THE RP AND CO-RP WILL NOT ACCEPT THESE INELIGIBLE COSTS. HOW WILL COMMERCE AND DNR HANDLE THAT SITUATION? DOES COMMERCE AND DNR HAVE ANY STATUTE AUTHORITY TO FORCE THE RP'S TO ACCEPT THE WINNING BID OR ACCEPT A REMEDIAL ACTION EVEN IF THERE ARE INELIGIBLES.

COMMERCE AND THE DNR WILL MAKE EVERY EFFORT TO KEEP INELIGIBLE COSTS TO A MINIMUM, HOWEVER, THE BID SPEC WAS WRITTEN TO PROTECT HUMAN HEALTH AS WELL AS THE ENVIRONMENT. IF THE RP'S REFUSE TO ACCEPT INELIGIBLE COSTS ASSOCIATED WITH THE APPROVED REMEDIAL ACTION, THE DNR MAY USE THE ENFORCEMENT PROCESS AS OUTLINED IN STATE STATUTE 292.11, 292.31, 292.35, AND 292.93 THROUGH 292.99.